

**MINUTES OF THE CITY PLANNING COMMISSION WITH THE
NEIGHBORHOOD AND PUBLIC SERVICES COMMITTEE
SPECIAL MEETING
BOND HILL RECREATION CENTER
1501 Elizabeth Place**

**July 23, 2003
7 – 9 P.M.**

Present: Appointed Members: Donald Mooney, Chairperson, Terry Hankner, Peter Witte; Debra Holston, City Manager's Alternate; Community Development and Planning Staff: Peg Moertl, Director; Steven Kurtz, Administrator, Land Use Management

Councilmembers: David Pepper, Chairperson, Y. Laketa Cole, Vice Chair and Chris Monzel

Mr. Pepper called the meeting to order.

INTRODUCTORY COMMENTS

David Pepper, Chairman of the Neighborhood and Public Services Committee opened the meeting and thanked everyone for coming. Mr. Pepper stated this is the second of three meetings scheduled with the purpose being to continue the commitment by the City Council and the Planning Commission to have these be as public with as much input as possible regarding the update to the zoning code. A number of neighborhoods and neighborhood leaders expressed concerned of not having enough time to respond to the maps and the city held a number of open sessions in June and will hold three public hearings in July.

Mr. Mooney, Chairman of the City Planning Commission stated in order to expedite this process the Neighborhood and Public Services Committee with the City Planning Commission chose to hold joint meetings that are neighborhood specific. Mr. Mooney stated that the updated zoning code has been worked on for several years. Mr. Mooney stated that the current zoning code was drafted in 1963 and over the years a lot of changes have taken place in the city that make it unsuited for the types of redevelopment opportunities and single-family ownership preservation to make our city stronger. Mr. Mooney introduced the City Planning Commission members in attendance.

OVERVIEW OF THE ZONING CODE UPDATE

Ms. Moertl thanked everyone for coming.

Ms. Moertl presented a PowerPoint slide presentation addressing:

- Background

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- Zoning Basics
- Problems of the existing code
- Public participation
- Key Themes of the Updated Code
 - Performance-Oriented Approach
 - Simplified District Framework
 - Updated Use Regulations
 - Streamlined Administration
- Highlights of the Updated Code
 - New Use Categories and Matrix
 - Use Chart
 - Single-Family (SF-4 and SF-2) Districts
 - Cluster Housing
 - Planned Development Districts
 - Commercial Districts
 - Buffer Yards
 - Hillside and Urban Design Districts
 - Zoning Hearing Examiner
- Zoning Mapping

Under the current code about 26% of the city is zoned single-family; under the new code about 53% of the city is zoned single-family.
- Next Steps

PUBLIC INPUT

John W. Jones, 1017 Marion Avenue, 45229, President of North Avondale Neighborhood Association (NANA). Mr. Jones stated that at its July 8 general board meeting, NANA unanimously adopted four motions with reference to North Avondale zoning (submitted a handout for the record):

- Zoning of properties listed to be changed from SF-10 to SF-20 and some properties be changed from RMX to SF-4.
- Bed and breakfasts, child day care homes or child day care centers not be permitted in SF-20 and SF-10 and that no construction vehicles and/or equipment be allowed to park on or off streets in residential zones unless it is being used in work on the property.
- The city clarify the definition of commercial vehicles and whether they are allowed in single-family districts.
- The city along with its revitalization efforts also value its historical neighborhoods that would preserve the existing large homes on large lots by requiring, if

demolished, it must rebuild with the same footprint or at least the same square footage and the open space remain.

Mary Bodmer, 1631 Harbeson Avenue, 45224 passed.

Jonathan Wocher, 5725 Dragon Way, Suite 220, 45227, stated that he is a professional land use planner with McBride Dale Clarion and commended the staff, the city and the neighborhoods for all the work that has been done. Mr. Woker stated that the planning staff met with them on several occasions to help them understand what the changes will be so they can advise their clients how future development will be effected. Mr. Woker stated that he has a couple of issues to be considered by the Neighborhood and Public Services Committee and the City Planning Commission:

- Transition Districts – How will transition district conditions as approved as part of a development plan be carried forward in the new code?
- How will the properties be tracked if they were previously zoned transition districts or had special conditions?
- If an application is filed in the coming months, how does the city intend to treat that project, such as a zone change or a development hearing?
- Sign regulations – The revisions of the sign regulations are very restrictive as relating to wall signs.

Mr. Kurtz responded that in the analysis of the land use in preparing maps, if there was an existing transition district, more than likely the zoning was changed to the underlying base district representing that use. Mr. Kurtz stated that if there was a large transition district with active development and substantial guidelines that was rezoned as a Planning Development District with the guidelines acting as the plan for the PD. Any future development would be subject to a hearing and sub plan approval by the Planning Commission with notification to the community and abutting property owners.

Jim Mueller, 751 Beechwood Avenue, 45232 representing Winton Place. Mr. Mueller stated that Winton Place had complained about the RMX designation in the area and was about to get some of the RMX reversed. Mr. Mueller stated that he found 14 single family homes and three multi-families and one row house on Burrows, 26 single-family homes, 5 multi-families and one row house on East Epworth, 26 single-family homes, six multi-families and 5 row houses on McMicken. Mr. Mueller stated that some of the single-family dwellings are being used as multi-families; Mr. Mueller does not think that counts for the majority. Mr. Mueller stated the RMX zone does not encourage home ownership but encourages rental and multi-family rental ship. Mr. Mueller stated that Winton Place strongly encourages the city to zone this area SF-4 that is consistent with the area and streets immediately above and below the area.

Ron Perry, 721 Beechwood Avenue, 45232 stated that Winton Place is the only integrated 50/50 black and white neighborhood in the city. Mr. Perry agrees with Mr. Mueller.

Scott Luzzo, 747 Froome Avenue, 45232, Winton Place Development Corporation. Mr. Luzzo read his views into the record. (Submitted a copy of his comments for the record.)

Mr. Monzel stated that he does not understand why RMX was designated. Mr. Monzel stated that he is willing to make a motion to make the RMX designation an SF-4. Ms. Moertl stated that staff has resolved many of the issues with Winton Place and made many changes, but staff has strong reasons for not recommending a change to the RMX District.

Mr. Kurtz stated that the RMX is a residential mix which only allows single-, two, and three families each requiring a 2,000 square foot minimum lot size. These areas have single-, two- and multi-families. Mr. Kurtz went on to say if this area were zoned single-family, a lot of nonconforming uses would be created because two and three families are not permitted in a single-family district. Mr. Mooney stated that he would like to look at the maps and if a street is 2/3 single-family homes, he would not have a problem creating some nonconforming uses as long as the property owners continue to inhabit or have tenants in the buildings.

Mr. Monzel responded that Winton Place has two strong civic organizations, the development corporation and the community council, that would work with the issue and make sure that is followed.

Mr. Kurtz stated that staff's intent was:

- To have the code adopted and then follow through with zone changes notifying residents for input.
- Staff doesn't create zone districts by streets. Staff is looking at existing zone districts and the dominance of uses in the district and not draw new lines.

Ms. Moertl stated that there needs to be a discussion to decide if there needs to be a formal zone change process or an amendment to this exercise. Mr. Monzel stated that he wants to be a part of that discussion. Mr. Mooney stated that the City Planning Commission would be meeting on 8/28/03 to do final mark-ups to the Updated Zoning Code.

Peter Hannishin, 3340 Morrison, 45220, stated that he owns development property in the Corryville area that is being downgraded from a business zone to a residential mix that is right across the street from the new power plant that UC has built. He cannot understand how a residential zone can be at the end of the north side of Corryville business district. Mr. Hannishin stated that he lives in Clifton south of Ludlow west of Clifton Avenue which is predominantly single, two and three families. He said most residences were built as two and three families and is being suggested as an SF-6

District instead of an RMX which restricts owners' rights to make additions to their property.

Mr. Mooney asked Mr. Hannishin to submit his comments in writing for the record.

Roger Davis, 3605 Roll Avenue, 45223, South Cumminsville Community Council thanked the Planning staff. Mr. Davis stated that the staff has listened to South Cumminsville's concerns and now staff needs to listen to the community's concerns regarding MG areas. There are two stores, in particular, in the area of Dreman and Beekman that are proposed to be zoned MG, but the community feels they should be zoned ML. Mr. Davis asked about the criteria for a CNM district. Mr. Davis stated that the area around Ralston needs to be a single-family district; Mr. Davis feels this area can be rebuilt with single-family homes.

Rodney Ringer, Senior City Planner, stated that none of the single-family zoning was taken away and staff lowered the MG to ML. Mr. Ringer stated that there are three types of Commercial Districts:

- Clustered Neighborhoods
- Commercial Community
- Commercial Auto

Ms. Cole asked Mr. Davis for his written comments for the record.

Joanne Jackson, 740 Froome, 45232, Winton Plan Neighborhood stated that the new code will create more rental properties.

Brennan McNulty, 4718 Winton Road, 45232 stated that he understands that after the new code is adopted; if the community wants to make a change it would cost \$300. Mr. McNulty suggested a moratorium on the fee for one year.

LeRoy Euvrard, 2230 Burnet, 45219, Vice-president of Mt. Auburn summarized a detailed letter he submitted for the record:

- Pleased that a significant part of Mt. Auburn has been rezoned to single-family
- Support the concept of the SF-4 and SF-2
- Pleased to see the Mt. Auburn Business District designated CNM, but the community council feels the business district should be extended.
- Opposed to the Planned Development chapter of the new code.

Ms. Moertl stated that a Planned Development requires a public notice, a public hearing and action by the City Planning Commission and City Council. Mr. Euvrard asked what section of the code states these requirements. Ms. Moertl responded that staff would respond to all questions.

Eileen Frechette, 5081 Wooden Shoe, 45232, Wooden Shoe Neighborhood Alliance, Dutch Hollow, Winton Place and Winton Hills, stated that the Gray Road property was zoned ML and about 50% of Gray Road has been recognized as SF-20. She stated that there has been a commitment to a strategic land use plan to determine the actual

land use and recognize the urban agricultural and residential use and possibly have a M-1 overlay. Ms. Frechette encourages that the land use study and the zoning code update occur before the final approval of the code because it is costly to individuals and the city.

Diane Mushaben, 5132 Gray Road, 45232 stated that waste collection has not been addressed appropriately in the proposed zoning code. Ms. Mushaben stated that a waste hauling business and a landfill located behind her home operates 24 hours a day seven days a week creating thunderous noise and is not appropriate in an M-1 District. Ms. Mushaben stated that when this was addressed to the Building Department she was told the code as it is written is unenforceable and the same language is in the proposed code. Ms. Mushaben stated that this use does not belong in an area that is heavily residential.

Mr. Monzel stated that it was a difficult issue for the city to find a location for this use. Ms. Musaben stated that city staff said it was very difficult to find a location for the use because no neighborhood wants anything with the amount of noise created by this use.

Jack Brand, 3750 Middleton, 45220, Trustee of Clifton Town Meeting, former President of Clifton Town Meeting, Chairperson of the Housing and Zoning Committee. Mr. Brand thanked the Planning Commission and staff for responding to Clifton's concern regarding the EQ-UD regulations regarding restaurants along Ludlow Avenue. Mr. Brand stated that Clifton still has concerns regarding the EQ-UD and some of the zoning classifications in Clifton.

Mr. Brand stated that the EQ-UD enabling ordinance regarding the restaurant provision in the current code states, "new businesses should contribute to the desired mixed of commercial activities." Mr. Brand stated that Clifton feels this statement should be incorporated into the proposed code as well as the types of restaurants that are permitted along Ludlow Avenue. Mr. Brand stated that there seems to be a number of residential zones in Clifton made less restrictive in terms of square footage and lot sizes.

Mr. Mooney suggested that Mr. Brand provide his analysis of the residential zones to himself and Mr. Kurtz.

Steve Schreiber, 3615 Middleton, 45220, stated that one specific matter on the new map involves Brookline Avenue. A portion of Brookline Avenue is zoned R-1A and the proposed map shows multi-family; this area needs some specific attention. Mr. Schreiber wants to know if all the hillside districts are still in place and is concerned about the quality of development in Clifton.

Ms. Moertl responded that the hillside district is not only contained but also slightly larger.

Leslie Poindexter, 45332, stated she is speaking as a member of the Gray Road/Winton Place Community and as a property owner on Gray Road. Ms. Poindexter stated that

Gray Road has single-families, horticultural businesses and light industries. Ms. Poindexter stated that she loves her home because of the rural character of the area in the city. Ms. Poindexter stated that making this area an ML zone would begin the degeneration of the clean oasis into another commercial strip. Ms. Poindexter stated that her hope is that the city would develop an overlay with some of the M-1 permitted uses.

Ms. Moertl responded that the city recognizes a land use issue in Winton Place with this being the last remaining urban agricultural area in the city. Ms. Moertl stated that once the code gets through the approval process, she is in support of authorizing staff to initiate a focused limited land use planning process that would engage all the property owners and stakeholders in Winton Place.

Joy Rolland, 45223, South Cumminsville, is concerned about the area at Beekman and Dreman that is being proposed as MG. Ms. Rolland stated that the community wants ML or a commercial type zoning with mostly residential.

Ms. Moertl stated that South Cumminsville is a small community with a high home ownership rate.

Peter Huttinger, Cincinnati Waldorf School, 745 Derby Avenue, 45219, stated that Waldorf School shares the same values and concerns of the Winton Place community.

Gary Robbins, 717 Froome Avenue, 45232, Winton Place stated that the community had an opportunity to get involved early in the process. Mr. Robbins is concerned that the zoning process is being done in advance of some long range planning and would like to see a long range plan for the neighborhood.

Dr. Bernard Aron, 4130 Rose Hill, 45229 of North Avondale supports what Jack Jones has put before the committee.

Scott Enns, 425 McAlpin, 45220, Community Development for the University of Cincinnati requested staff take another look at the areas adjacent to the institutional uses in the Uptown, specifically the R & D, the medical community, the academic community and the zoo. This proposed zoning makes it very difficult to continue with the proactive development opportunities in the Uptown. Reducing the density adjacent to institutional uses makes it difficult to get an economically viable product.

Mr. Mooney stated that in the past few years when the University came forward with proposals, the city has been very accommodating. If there is something in the maps or new code that makes development more restrictive than the current code, it should be brought to the attention of the City Planning Commission and staff.

Jim Wilson, 40 Kessler Avenue, stated that he has three pages of signatures of residents on Kessler Avenue objecting to the change from a two-family district to a one-, two- and three-family district. Mr. Wilson stated that Kessler Avenue is 90% single-family homes.

Mr. Mooney responded that Kessler Avenue needs to be looked at.

Sam Nellom, 1125 Towanda Terrace, 45216, thanked Council and the Planning commission for slowing down the process. Mr. Nellom stated that Bond Hill is very pleased with the Mill Creek Psychiatric site going toward single-family housing to complement the surrounding area and the two business districts at California and Reading Road and California and Paddock.

Mr. Pepper thanked the staff for all their hard work and for the residents who showed up.

Ms. Cole commended the citizens for coming out and the administration and the City Planning Commission for all their hard work.

Mr. Monzel thanked everyone for coming out. Mr. Monzel stated that the zoning code is the DNA of a city and everyone should pay close attention to the zoning code.

ADJORNMENT

Mr. Pepper adjourned the meeting.

David Pepper, Chairman
Neighborhood & Public Services Committee

Donald J. Mooney, Chairman
City Planning Commission

Date:_____

Date:_____

Margaret M. Moertl, Director
Community Development & Planning

Date:_____